



OFFICE OF THE POLICE COMMISSIONER

ONE POLICE PLAZA • ROOM 1400

May 13, 2010

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Carlos Mateo**
Tax Registry No. 906742
Housing Borough Bronx/Queens
Disciplinary Case Nos. 83568/08 & 84858/09

The above named member of the service appeared before Deputy Commissioner Martin G. Karopkin on March 8, 2010 and was charged with the following:

DISCIPLINARY CASE NO. 83568/08

1. Said Police Officer Carlos Mateo, while assigned as a Probationary Sergeant at the 70th Precinct, on or about April 15, 2007, prior to roll call at about 0715 hours, inside the muster room in the 70th Precinct stationhouse, located at 154 Lawrence Avenue, Brooklyn, New York, was discourteous in that he addressed female Police Officers under his supervision, stating "Stand up, hoes."

P.G. 203-09, PAGE 1, PARAGRAPH 2

**PUBLIC CONTACT
- GENERAL REGULATIONS**

DISCIPLINARY CASE NO. 84858/09

1. Said Police Officer Carlos Mateo, while assigned to the 109th Precinct, on or about October 27, 2008, at about 1935 hours, while off-duty, in or about the Filene's Basement Department Store located at 87-04 Horace Harding Expressway, did engage in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Police Officer stole property, to wit: said Police Officer removed a shirt from a store shelf and exited the store without paying for said shirt, and without permission or authority to do so.

P.G. 203-10, PAGE 1, PARAGRAPH 5

**PUBLIC CONTACT
- PROHIBITED CONDUCT
- GENERAL REGULATIONS
PETIT LARCENY**

NYS PENAL LAW SECTION 155.25

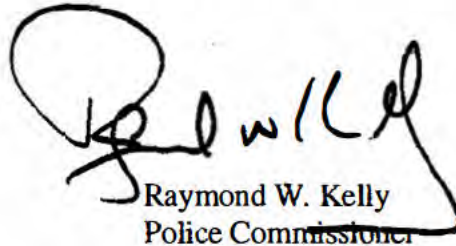
In a Memorandum dated April 6, 2010, Deputy Commissioner Karopkin accepted Respondent Mateo Pleading Guilty to the sole Specification in Disciplinary Case No. 83568/08, and Pleading Guilty to the sole Specification in Disciplinary Case No. 84858/09. Having read the Memorandum and analyzed the facts of these instant matters, I approve the findings, but disapprove the recommended penalty.

The misconduct here is egregious, and the totality of this behavior and conduct unquestionably compromises Respondent Mateo's ability to remain a viable member of this Department. Therefore, the Respondent's immediate separation from the Department is required.

Although Deputy Commissioner Karopkin recommended that Respondent Mateo be summarily dismissed, I will permit an alternative manner of separation from the Department at this time.

It is therefore directed that a post-trial vested-interest retirement agreement be implemented with the Respondent. In consideration of such, Respondent Mateo is to remain, and to separate from the Department, on a continued suspended duty status. The Respondent is to also forfeit all suspension days (*with and without pay*) since served and to be served, including all accrued leave and time balances, and will immediately be placed on a One-Year Dismissal Probation period.

Such vested-interest retirement shall also include Respondent Mateo's written agreement to not initiate administrative applications or judicial proceedings against the New York City Police Department to seek reinstatement or return to the Department. If Respondent Mateo does not agree to the terms of this vested-interest retirement as noted, this Office is to be notified without delay. This agreement is to be implemented **IMMEDIATELY.**



Raymond W. Kelly
Police Commissioner



POLICE DEPARTMENT

April 6, 2010

-----X
In the Matter of the Charges and Specifications : Case Nos. 83568/08
- against - : & 84858/09
Police Officer Carlos Mateo :
Tax Registry No. 906742 :
Housing Borough Bronx/Queens :
-----X

At: Police Headquarters
One Police Plaza
New York, New York 10038

Before: Honorable Martin G. Karopkin
Deputy Commissioner - Trials

APPEARANCE:

For the Department: David Green, Esq.
Department Advocate's Office
One Police Plaza
New York, New York 10038

For the Respondent: Rae Downes Koshetz, Esq.
515 Madison Avenue - 30th Floor
New York, New York 10022

To:

HONORABLE RAYMOND W. KELLY
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NEW YORK 10038

The above-named member of the Department appeared before me on March 8, 2010, charged with the following:

Disciplinary Case No. 83568/08

1. Said Police Officer Carlos Mateo, while assigned as a Probationary Sergeant at the 70th Precinct, on or about April 15, 2007, prior to roll call at about 0715 hours, inside the muster room in the 70th Precinct stationhouse, located at 154 Lawrence Avenue, Brooklyn, New York, was discourteous in that he addressed female Police Officers under his supervision, stating "Stand up, hoes."

P.G. 203-09, PAGE 1, PARAGRAPH 2 – PUBLIC CONTACT –GENERAL
GENERAL REGULATIONS

Disciplinary Case No. 84858/09

1. Said Police Officer Carlos Mateo, while assigned to the 109th Precinct, on or about October 27, 2008, at about 1935 hours, while off-duty, in or about the Filene's Basement Department Store located at 87-04 Horace Harding Expressway, did engage in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Police Officer stole property, to wit: said Police Officer removed a shirt from a store shelf and exited and store without paying for said shirt, and without permission or authority to do so.

P.G. 203-10, PAGE 1, PARAGRAPH 5 – PUBLIC CONTACT – PROHIBITED
CONDUCT – GENERAL
REGULATIONS

NYS PENAL LAW SECTION 155.25 – PETIT LARCENY

The Department was represented by David Green, Esq., Department Advocate's Office, and the Respondent was represented by Rae Downes Koshetz, Esq.

The Respondent, through his counsel, entered a plea of Guilty to the subject charges. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

Disciplinary Case No. 83568/08

The Respondent, having pleaded Guilty, is found Guilty.

Disciplinary Case No. 84858/09

The Respondent, having pleaded Guilty, is found Guilty.

SUMMARY OF EVIDENCE IN MITIGATION

The Respondent's Case

The Respondent testified in his own behalf.

The Respondent

The Respondent testified that he is 42 years old, that he [REDACTED]

[REDACTED]

[REDACTED] After that he attended John Jay College where he earned a Bachelor of Science degree. He stated that his first job was as a caseworker with the Child Welfare Administration, a New York City agency. His responsibilities were to look out for the health and welfare of endangered children. He held that position for about nine months.

He then went to the New York City Department of Probation where he served as a probation officer. His responsibilities there were to supervise people sentenced to probation. He was at that job for about three-and-a-half years before he joined this

Department on February 28, 1994. He was 26 years old at the time. After completing the Police Academy, he was assigned to the Midtown South Precinct where he was on patrol.

In the spring of 1995, the Respondent [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The

Respondent had been on patrol for less than a year when all of this happened.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Respondent stated that he believes he was 27 years of age at the time. He further testified that he [REDACTED] to the end of 1996 or early 1997. When he returned to work he was assigned to the Midtown South Precinct. When he returned, he was on [REDACTED]. He returned to full-duty in late spring of 1997, when he went back on patrol.

He applied to work in Narcotics and in September of 1997 he was assigned to a detail as an undercover in Narcotics in Manhattan North on 107 Street between Park and Lexington Avenues. He worked at that for three years. During that time he purchased marijuana, cocaine, crack cocaine and sometimes pills. He testified that he believes he made well over 250 buys. He testified: "Every time we went out, we were in danger of getting hurt from either the person that I was purchasing the narcotics from, the lookouts, they would constantly you know, if they suspected somebody who they didn't recognize, they would shout out, you know, in their slang or dialect, the term 'Po Po' P-O, P-O. I would be threatened by uniformed officers who didn't realize that I was an undercover, working at that time."

After three years he stayed in Narcotics as an investigator. The Respondent explained that an investigator basically does the actual arrest. He estimated that he made a little over 150 arrests.

The Respondent testified that he stayed in Narcotics until 2004, when he went to the Office of Technology and Systems Development. There, he investigated complaints about 911 to see if a 911 operator was discourteous or did not follow proper procedures. The operators would be brought in and they would listen to the phone calls that were recorded.

With regard to September 11, 2001, the Respondent testified that he was at Ground Zero, where he helped people get back into their apartments to get personal effects and pets. He also went out to the dump on Staten Island to search for remains.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Respondent testified that he was promoted to sergeant in October 2005, but that during the probationary period, he lost that promotion.

He is currently assigned to VIPER 14, where he runs the license plates of vehicles parked in the vicinity of camera locations approximately every hour.

In a statement to the Court the Respondent said that "I'd like to keep my job."

On cross-examination the Respondent testified that he [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

With regard to the incident of April 15, 2007, the Respondent agreed that he was a probationary sergeant at that time, and that he referred to two people who did not stand up in the muster room as "hoes." The Respondent also agreed that the individuals who did not stand up were black or Hispanic women.

When asked why he used that word (hoes) the Respondent stated: "Prior to roll call, we were discussing the Don Imus incident where he had made a comment about the Rutgers University female basketball team."

The Respondent denied that he did not apologize to the women. He stated that both the black female and the Hispanic female approached him at the desk later. The Respondent stated that they didn't have a problem with what he said but did have a problem with what Police Officer Montanez¹ had said to them. The Respondent also stated that he did apologize to them.

With regard to the shoplifting charge, the Respondent acknowledged that before he left the Filene's Basement Department Store he had wrapped the shirt inside a jacket he was carrying.

The Respondent acknowledged that he did not identify himself to the security officers who stopped him. He denied, however, failing to immediately identify himself to police officers. He claimed that he identified himself to the first uniformed officer who

¹ Although not part of the record in this case, Montanez had followed up the Respondent's comment with words to the effect of, "...you mean nappy headed hoers."

walked in and further claimed he told the officer he was armed and asked the officer to safeguard the weapon.

PENALTY

In order to determine an appropriate penalty, the Respondent's service record was examined, see *Matter of Pell v. Board of Education*, 34 N.Y.2d 222 (1974).

The Respondent was appointed to the Department on February 28, 1994. Information from his personnel folder that was considered in making this penalty recommendation is contained in the attached confidential memorandum.

The Respondent has pleaded guilty to the specifications in this case. The sole issue is penalty. The Department has recommended that he be dismissed. The Respondent has argued for a lesser penalty. The Respondent's argument was summarized by his counsel in her closing argument:

Officer Mateo has had [REDACTED], but he didn't try to parlay this into spending the rest of his career inside, warm and dry. He went to Narcotics. He put his life on the line for six years. He made hundreds of buys and hundreds of arrests.²

He admits that he did two stupid things. He didn't try to minimize it. He wasn't whining. He said, yes, I did it. [REDACTED] He wants to stay on the job. He's really throwing himself at the mercy of the Police Department in asking that he can stay and be the kind of officer that he wants to be now.

The Respondent has admitted to stealing property and committing Petit Larceny. This Department has longstanding policy of dismissing or otherwise separating from the

² According to Department records the Respondent made 182 arrests in his career.

service officers found guilty at a Departmental trial of Petit Larceny and there are numerous cases in which this has occurred.

There is an important reason for this policy. Police Officers have a variety of responsibilities that require personal integrity. For example, officers are responsible for safeguarding the property of others who are unable to care for it themselves. This includes victims of crime, persons under arrest, injured persons and deceased persons. Much of this property is easily fungible.

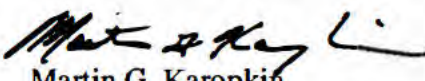
The Department and the public, which this Department serves, must be confident of the integrity of its members. That confidence was destroyed by the Respondent's conduct in taking a shirt, concealing it, and leaving the store without paying.

The second case, involving his calling several members of the service "hoes" further demonstrates his lack of fitness to serve as a police officer.

For these reasons the Court recommends that the Respondent be DISMISSED from the New York City Police Department.

Respectfully Submitted,




Martin G. Karopkin
Deputy Commissioner – Trials

POLICE DEPARTMENT
CITY OF NEW YORK

From: Deputy Commissioner – Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER CARLOS MATEO
TAX REGISTRY NO. 906742
DISCIPLINARY CASE NO. 83568/08 & 84858/09

In 2009, the Respondent received an overall rating of 3.5 “Highly Competent/Competent” on his annual performance evaluation. He received a rating of 3.0 “Competent” in 2007 and a rating of 2.5 “Competent/Low” in 2006. [REDACTED]

[REDACTED] ipline Monitoring in February
2008.

For your consideration.


Martin G. Karopkin
Deputy Commissioner – Trials